

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 20, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-15037 - APPLICANT: CLUB 601, LLC - OWNER: CITY OF LAS VEGAS

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements of Title 19.06.120 and Title 6.50.
2. Restricted Gaming shall be prohibited within this establishment pursuant to Title 6.40.155.
3. All exterior signage shall be reviewed and approved by the Downtown Entertainment Overlay District Design Review Committee (DEOD-DRC).
4. Approval of this Special Use Permit does not constitute approval of a liquor license.
5. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Special Use Permit for a proposed Tavern-Limited Establishment at 601 Fremont Street.

EXECUTIVE SUMMARY

The proposed Tavern-Limited Establishment is a permitted use in the C-2 (General Commercial) zoning district and is the type of use encouraged in the Downtown Entertainment Overlay District. It is surrounded by other parcels zoned for similar uses. No gaming machines will be incorporated into the use. Minor aesthetic changes will be made to the building exterior and new signage will be added, both of which have been approved by the Downtown Entertainment Overlay District Design Review Committee. The recommendation is for approval.

BACKGROUND INFORMATION

A) *Related Actions*

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|----------|--|
| 12/16/64 | The City Council approved a Rezoning to C-2 (General Commercial) on the subject site as part of a larger request (Z-0100-64). |
| 10/02/02 | The City Council adopted an ordinance establishing the Downtown Entertainment Overlay District and corresponding regulatory provisions and establishing the Tavern-Limited liquor license pertaining only to this District. |
| 03/01/06 | The City Council approved a General Plan Amendment (GPA-10830) to amend a portion of the Southeast Sector Plan of the Master Plan from PF (Public Facilities) to C (Commercial) on the subject site. The Planning Commission and staff recommended approval. |
| 03/15/06 | The City Council approved a Special Use Permit (SUP-11028) and a Site Development Plan Review (SDR-11026) for a proposed mixed-use development at 601 Fremont Street. The Planning Commission and staff recommended approval. |
| 08/08/06 | The Downtown Entertainment Overlay District Design Review Committee approved a request for a Master Sign Plan and Exterior Elevation Review (ARC-15449) for the proposed Tavern-Limited Establishment at 601 Fremont Street that is the subject of this request. |

08/24/06 The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #64/ss).

B) Pre-Application Meeting

06/23/06 The Business Licensing Department indicated that it would allow a proposed all-ages venue as long as a secure checkpoint were established between the tavern and entertainment areas. Signage and modified elevations must be submitted to the Downtown Entertainment Overlay District Design Review Committee for review and approval. Staff verified whether the proposed land use change to C (Commercial) had been approved.

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 1.24

B) Existing Land Use

Subject Property: Office building (vacant)
North: Hotel/casino
South: Apartments
East: Parking lot
West: Commercial uses

C) Planned Land Use

Subject Property: C (Commercial – Downtown Redevelopment Area)
North: C (Commercial – Downtown Redevelopment Area)
South: C (Commercial – Downtown Redevelopment Area)
East: C (Commercial – Downtown Redevelopment Area)
West: C (Commercial – Downtown Redevelopment Area)

D) Existing Zoning

Subject Property: C-2 (General Commercial)
North: C-2 (General Commercial)
South: C-2 (General Commercial)
East: C-2 (General Commercial)
West: C-2 (General Commercial)

E) General Plan Compliance

The Downtown Redevelopment Area Land Use Map within the Southeast Sector Plan designates the subject parcel as C (Commercial), which allows office uses, service-oriented commercial uses, and general commercial uses. The proposed Tavern-Limited Establishment is consistent with the Commercial designation and is a permitted use in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan	X	
Downtown Centennial Plan	X	
Redevelopment Plan Area	X	
Special Overlay District	X	
Entertainment District	X	
Trails		X
Rural Preservation Overlay District		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Downtown Overlay District

The subject site is located within the East Fremont District of the Downtown Overlay District. Standards for new construction within this area are detailed within the Downtown Centennial Plan. This site is also part of the Las Vegas Redevelopment Plan Area, which includes most of downtown Las Vegas, portions of West Las Vegas, and the industrial area located south of Charleston and east of the Union Pacific Railroad. The purpose of this plan is to eliminate blighted properties, develop vacant or underutilized properties by using methods of planning, and strengthen the economic base of this part of the City of Las Vegas.

Downtown Entertainment Overlay District

Established in 2002 to further the City's downtown redevelopment efforts, the Downtown Entertainment Overlay District is an area intended to encourage blues and jazz nightclubs, comedy clubs, and other musical entertainment venues in a non-gaming environment. Licensing and zoning restrictions such as distance separation and parking requirements have been eased in order to create a cluster of such uses that also sell alcohol. New signage within the district is subject to review by the Downtown Entertainment Overlay District Design Review Committee (DEOD-DRC). The Downtown Entertainment Overlay District consists of the area bounded by Ogden Avenue on the north, Carson Avenue on the south, Las Vegas Boulevard on the west, and Eighth Street on the east.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

Pursuant to Title 19.06.120, the on-site parking requirements for any tavern or nightclub within the Downtown Entertainment Overlay District do not apply. The Special Use Permit approval may include conditions designed to mitigate any impacts related to parking. The proposed site plan indicates that no on-site parking spaces will be provided; however, approximately 40 spaces are available along Sixth Street adjacent to the building and an additional 2,152 spaces will be available within the nearby Fremont Street Experience and Neonopolis parking garages.

A2) Minimum Distance Separation Requirements

Pursuant to Title 19.06.120, any liquor-serving establishment approved by means of a Special Use Permit for a parcel located within the Downtown Entertainment Overlay District shall not be subject to the distance separation requirements set forth in Title 19.04. The Special Use Permit approval may include conditions designed to mitigate any impacts related to distance separation.

B) General Analysis and Discussion

- **Zoning**

The subject property is zoned C-2 (General Commercial). A Tavern-Limited Establishment is a permitted use in this zoning district with the approval of a Special Use Permit.

- **Use**

A Tavern-Limited Establishment, as defined by Title 19.20, is an establishment that is licensed with a tavern-limited business license in accordance with Title 6.50. This type of license:

- (1) Authorizes the sale of alcoholic beverages only for consumption on the premises where the same are sold.
- (2) May only be issued for premises located in the Downtown Entertainment Overlay District.
- (3) Is not transferable, except to a location within the same entertainment district and to an operator who has been approved by the City Council.

In addition, no Restricted Gaming (consisting of not more than fifteen slot machines, incidental to the primary business at the establishment, and no other game or gaming device at the establishment) shall be conducted, maintained, or operated within the Downtown Entertainment Overlay District, per Title 6.40.155.

The proposed nightclub with bar and take-out pizza stand will be approximately 11,000 square feet on ground level. The bar area will be isolated so that it will not be available to persons under 21 years of age during live shows, which are required four nights per week by ordinance.

- Conditions

No specific base conditions are listed in Title 19.04.050 for approval of a Tavern-Limited Establishment. The establishment need only comply with the regulations for a tavern-limited license and those provisions governing the Downtown Entertainment Overlay District.

On 08/08/06, the Downtown Entertainment Overlay District Design Review Committee (DEOD-DRC) reviewed signage and minor alterations to the elevations of the existing building where the nightclub is proposed. The request was approved with the condition that the existing awning shall have neon affixed bearing the colors of the nightclub's logo, excluding white. Repairs to the brick and aluminum along both frontages will be made without compromising the original appearance of the building.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed Tavern-Limited Establishment is a permitted use in the C-2 (General Commercial) zoning district and is the type of use encouraged in the Downtown Entertainment Overlay District. It is surrounded by other parcels zoned for similar uses. No gaming machines will be incorporated into the use. Minor aesthetic changes will be made to the building exterior and new signage will be added, both of which are subject to review by the Downtown Entertainment Overlay District Design Review Committee.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The existing building is suitable for the proposed Tavern-Limited Establishment. The proposed tavern will be dependent upon on-street parking and nearby parking garages to meet the expected demand.

3. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”

Access to the site is provided by Fremont Street, Carson Avenue and Sixth Street. Much of the expected traffic for this use will be by pedestrians; however, these streets are adequate in size to meet the requirements of all uses on site, including the proposed Tavern-Limited Establishment.

4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”

The proposed Tavern-Limited Establishment will be subject to inspections for compliance with business licensing requirements and will not compromise the public health, safety and welfare. The proposed use is consistent with the redevelopment objectives of the Downtown Centennial Plan, Las Vegas Redevelopment Area, and the Downtown Entertainment Overlay District.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 220 by City Clerk

APPROVALS 0

PROTESTS 0